UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,037	06/25/2003	Geoffrey John Elliott	MS1-1476US	3952

22971   7590   06/06/2007
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EXAMINER
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ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
06/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 March 2007*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-56* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-56* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1-9,12-18,20,21,23-27,29-37,41-46 and 50-56 are rejected under 35

U.S.C. 102(a) as being anticipated by Blaze Software (Blaze Tray Audio)

http://web.archive.org/web/20020202140332/www.trayaudio.com/index.html.

As for independent claim 1, Blaze teaches a user interface comprising: a graphical

interface that enables a user to select media-playing services (pg.2 par.2), wherein the

graphical interface is integrated into an operating system shell's user interface (pg.2

par.4 and pg.3).

As for dependent claim 2, Blaze teaches the user interface of claim 1, wherein the

graphical interface further enables the user to select media-playing services with a

single click of a mouse (pg.2).

As for dependent claim 3, Blaze teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services with a single click of a mouse when another application running in another process is in perspective (pg.2 as illustrated in the flash presentation on the site one user click to activate a playing function is shown).

As for dependent claim 4, Blaze teaches the user interface of claim 3, wherein the perspective includes the other application being in focus (pg.3; wherein the player is in the system tray out of perspective).

As for dependent claim 5, Blaze teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services without altering a perspective of another application running in another process (note claim 4)

As for dependent claim 6, Blaze teaches the user interface of claim 1, wherein the graphical interface includes control buttons for selection of the media-playing services (pg. 2, par.4).

As for dependent claim 7, Blaze teaches the user interface of claim 1, wherein the graphical interface includes control buttons for selection of the media-playing services including services that stop and pause a first media file being played and start a second

media file (note claim 6).

As for dependent claim 8, Blaze teaches the user interface of claim 1, wherein the graphical interface includes a control button for selection of the media-playing services including a service that alters a size for a presenting of a visual aspect of a media file (pg.2; "progress").

As for dependent claim 9, Blaze teaches the user interface of claim 1, wherein the graphical interface includes a control button for selection of the media-playing services including a service that alters a volume for a playback of an audio aspect of a media file (pg.2).

As for dependent claim 12, Blaze teaches the user interface of claim 1, further comprising: a visual space for presenting metadata associated with a media file (pg.2 "02:30").

As for dependent claim 13, Blaze teaches the user interface of claim 1, further comprising: a visual space for presenting metadata associated with a media file, wherein the graphical interface enables the user to select media-playing services to present metadata associated with the media file (pg.2 & 8, showing a display of metadata with associated media files).

As for independent claim 14, Blaze teaches a system comprising: a media-playing

application in computer memory executing in a shell process of an operating system

(pg.2), wherein the media-playing application is capable of enabling a user to control

media through a user interface integrated into a taskbar associated with the shell

process (pg.3).

As for dependent claim 15, Blaze teaches the system of claim 14, wherein preferences

for displaying the user interface in the taskbar are retained by the media-playing

application for future use (of course those skilled in the art would appreciate that when

the application closes and reopens its last status of position and preferences will be

retained such much of the startup of the program in (pg.2; figure) wherein the user is

presented with the application as they closed it).

As for dependent claim 16, Blaze teaches the system of claim 14, wherein the media-

playing application is capable of receiving preferences for how the user interface is

displayed and used that are received from the user through another application

executing in the shell process (pg.5).

As for dependent claim 17, Blaze teaches the system of claim 14, further comprising a

player deskband, wherein the player deskband is capable of receiving preferences

relating to the user interface and sending the preferences to the media-playing

application (of course those skilled in the art will appreciate that the above mentioned

program from Blaze uses a program module to communicate to the operating system in order to display itself within the operating shell (pg.2,7-9) depicts the program running on a computer system , wherein the program is communicating with the operating system).

As for dependent claim 18, Blaze teaches the system of claim 14, wherein the media-playing application comprises a deskband and a controller, the deskband configured to communicate with the shell process and the operating system, the controller configured to enable the user to control media through the user interface (of course those skilled in the art will appreciated that Blaze uses a module to communicate to the operating system and the operating shell process, as noted before, the display of pg.2,7,9 provide evidence of such an action, also wherein the operating system handler/ listener is providing a means of a controller to listen for user interaction with the program to provide user control of media files as is what's imposed on the program (i.e. controller).

As for dependent claim 20, Blaze teaches the system of claim 14, wherein the media-playing application is capable of creating the user interface to have a minimum visual size on the taskbar (pg.2-3).

As for dependent claim 21, Blaze teaches the system of claim 14, wherein the media-playing application is capable of creating the user interface following a skin file containing text, art, and script parameters (pg.5)

As for dependent claim 23, Blaze teaches the system of claim 14, wherein the media-

playing application is capable of presenting audio media (pg.7).

As for dependent claim 24, Blaze teaches the system of claim 14, wherein the media-

playing application is capable of presenting metadata associated with a media file being

presented by the media-playing application (note the analysis of claim 23).

As for independent claim 25, Blaze teaches a system comprising: a controller; a

playback module; a visual space; and a user interface, wherein: the controller is capable

of creating the user interface; the user interface is integrated within an operating-system

shell's user interface and is capable of enabling a user to input preferences for play of a

media file; and the playback module is capable of rendering the media file to enable the

controller to present the media file in the visual space (note the analysis of claims 8,11,

16,18 and 19; wherein it is appreciated that the above already analyzed claims are

within the exact same similarity and it is well appreciated that the teachings of Blaze

correspond to a program which in turn is related to a system, wherein this system

performs the above mentioned subject matter as noted from the above analysis

already).

As for dependent claim 26, Blaze teaches the system of claim 25, further comprising a

deskband, wherein the deskband is capable of aiding the controller in determining

parameters for the user interface to conform by communicating with an operating

system that governs the operating-system shell's user interface (note the analysis of

claims 17-18).

As for dependent claim 27, Blaze teaches the system of claim 25, further comprising a

deskband, wherein the deskband is capable of building a file containing parameters for

the user interface to conform to an operating-system shell governing the operating-

system shell's user interface (note the analysis of claims 17-18).

As for dependent claim 29, Blaze teaches the system of claim 25, wherein the user

interface includes media-playing services that stop, play, pause, skip forward or

backward through, and change to a next or previous track of the media file (pg.8).

As for dependent claim 30, Blaze teaches the system of claim 25, wherein the user

interface includes media-playing services that stop, play, and pause the media file

(pg.7-8)

As for dependent claim 31, Blaze teaches the system of claim 25, wherein the user

interface is capable of enabling the user to input preferences through dragging and

dropping an icon representing a media file onto the visual space or the user interface

(pg.7).

As for dependent claim 32, Blaze teaches the system of claim 25, wherein the user

interface and the playback module execute in different processes (pg.7; of course,

those skilled in the art will appreciate that explorer.exe or the like runs the operating

system graphical user interface while the trayplayer.exe handles the media player

program at hand).

As for dependent claim 33, Blaze teaches the system of claim 25, wherein the user

interface and the playback module execute in one process (note claim 32 analysis;

wherein of course, those skilled in the art will appreciate that one process can render

the interface as well as listen for incoming request from the user).

As for dependent claim 34, Blaze teaches the system of claim 25, wherein the user

interface executes in a first process governing the operating system shell's user

interface, the playback module executes in a second process, and the user interface

includes a button to select a service that switches presentation of media from the visual

space to a second visual space created by an application running in the second process

(note the analysis of claims 33,32 and 25 above).

As for independent claim 35, Blaze teaches a method comprising: presenting a

graphical user interface integrated into a taskbar user interface (pg.2-3); and enabling,

without the graphical user interface being in perspective (pg.2), a user to select media-

playing services through the graphical user interface (pg.7-8; wherein the user may

select one of the controls displayed).

As for dependent claim 36, Blaze the method of claim 35, wherein the enabling is performed also without the graphical user interface being in focus (pg.2-3).

As for dependent claim 37, Blaze the method of claim 35, further comprising: presenting a media file in accord with the selected media-playing services (pg.7-8).

As for independent claim 41, Blaze teaches a computer-readable medium (pg.1; of course those skilled in the art will appreciate that the download link from the corresponding page indicates that the program is to downloaded and comes in the form that of an installation.exe format wherein is stored on hard disk and can be stored on other suggested mediums as disclosed) comprising computer-executable instructions that perform the following when executed by a computer: present a media-control user interface in a first process for controlling services associated with playing media; and enable a user that is actively engaged with a non-media-control user interface in a second process to interact with the media-control user interface without disengaging from the non-media-control user interface (pg.2-3,7-9).

As for dependent claim 42, Blaze the computer-readable medium of claim 41, wherein the interaction with the media-control user interface includes selection of a media service (pg.7-9; wherein it is appreciated that the user can select the media services

with a logical device such that of a mouse, keyboard, stylus, etc).

As for dependent claim 43, Blaze the computer-readable medium of claim 41, wherein the interaction with the media-control user interface includes selection of a media service and consists of a single mouse click (pg.2: as demonstrated in the flash presentation).

As for dependent claim 44, Blaze the computer-readable medium of claim 41, wherein the interaction with the media-control user interface includes selection of a media service and consists of a single command (pg.2: as demonstrated in the flash presentation).

As for dependent claim 45, Blaze the computer-readable medium of claim 41, wherein the interaction with the media-control user interface includes selection of a media service and consists of a single keystroke (pg.2: as demonstrated in the flash presentation and pg.10).

As for dependent claim 46, Blaze the computer-readable medium of claim 41, further comprising: provide media-playing services based on the interaction (pg.9-10).

As for independent claim 50, Blaze teaches a computer-readable medium comprising computer-executable instructions (note claim 41) that perform the following when

executed by a computer: create a first user interface with graphically selectable media-

control services and running in a first process; and enable selection of the media-control

services while a second user interface running in a second process remains in

perspective (pg.1-2).

As for dependent claim 51, Blaze the computer-readable medium of claim 50, wherein

the media-control services include initiating and ceasing play of a media file (pg.7-8).

As for dependent claim 52, Blaze the computer-readable medium of claim 50, wherein

the selection of one or more of the media-control services is enabled with a single

mouse click (pg.2: as demonstrated in the flash presentation and pg.10).

As for dependent claim 53, Blaze the computer-readable medium of claim 50, wherein

the first user interface is integrated into an operating system's taskbar (pg.2: as

demonstrated in the flash presentation and pg.7).

As for dependent claim 54, Blaze the computer-readable medium of claim 50, wherein

the first process is used by an operating system for executing a taskbar (fig.2-3,8;

wherein it is appreciated of the executable program that handles the operating system

graphical user interface, i.e. explorer).

As for independent claim 55, Blaze teaches an apparatus comprising: means for

presenting a user interface in a first process for controlling services associated with

playing media; and means for enabling a user interacting with a second process to

interact with the user interface without ceasing to interact with the second process (note

the analysis of claims 50,41,35,25,14 and 1).

As for dependent claim 56, Blaze the apparatus of claim 55, further comprising: means

for playing a media file based on preferences received from the user during the

interaction with the user interface (pg.2-3 and 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 10,11,19,22,28,38-40,47-49 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Blaze in view of GustoSoft

(http://web.archive.org/web/20021130001235/http://gustosoft.com/).

As for claims 10,11,19,22,28,38-40,47-49, Blaze teaches a media player for

playing music wherein the media player is inside of the system shell (note the above

analysis). Blaze does not expressly mention the use of the media player playing visual

media however in the same field of endeavor GustoSoft teaches a multimedia player

which is embedded in the system tray that plays music and videos (visual media) (pg.1-

4). It would be obvious to one of ordinary skill in the art to combine GustoSoft into

Blaze, this is true because GustoSoft presents a media player embedded into the

system shell exactly like Blaze but only differing by adding visual media onto of the

audio media presented by Blaze (page 1 of GustoSoft) those skilled in the art would see

the extract function as an obvious variant for the desktop home entertainment genre in

technology.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Nason, David D. (US 6,727,918): for displaying addition display regions on the operating system, one such area designated to a media player for music and videos

- Wada et al (US 2005/0198220): displaying media in a taskbar

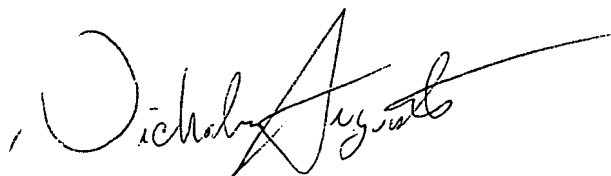- Whittle et al (US 2005/0050301 A1): displaying media in a taskbar

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

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5/27/2007

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SUPERVISORY PATENT EXAMINER